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this decision in *Osborn v. Bank of the United States*, 1824 (9 Wheaton, 738). The point of this is that, since it was thus established that the bank was incidental to the power of raising revenue, the power to end war, the avowed purpose of which is to establish peace, would seem to be incidental to the war power itself.

But the principal point to be borne in mind is that under international law war may be ended without a treaty, and international law is a part of our law. In the case known as *Paquette Habana*, 175 U. S., 677, 700, decided in 1899, it was held:

"International law is a part of our law and must be ascertained and administered by the courts of justice of appropriate jurisdiction, as often as questions of right depending upon it are duly presented for their determination."

This very point of view seems to have been foreseen by Mr. Madison, who in 1787 proposed in the session of September 7 of the Federal Convention that treaties of peace should be made by less than a two-thirds vote and without the concurrence of the President. As reported by himself, he said:

"The President would necessarily derive so much power and importance from a state of war that he might be tempted, if authorized, to impede a treaty of peace."

If, as in the case of Texas, a joint resolution of the two Houses was found to be an acceptable and effective substitute for a treaty which had failed, it would seem that in the case of Germany a joint resolution might likewise be found to be an acceptable and effective substitute for a treaty which has twice failed.

It seems to us that the explanations accompanying the joint resolution now before the House are both germane and convincing. Undoubtedly, as pointed out by Oppenheim, Phillipson, and Mr. Seward, wars may be terminated otherwise than by treaty. Since this is so, the Congress seems now to be headed in the right direction, and the end of the technical state of war between the United States and Germany seems to be in sight.

FINANCING THE LEAGUE OF NATIONS

NOT being a member of the League of Nations, the United States as yet has not had to face any of the fiscal and administrative problems involved in its maintenance; but, of course, nations that have joined it must now be meeting these practical, if lesser, aspects of its functioning.

We had supposed that the normal course in meeting this need would be similar to that followed by the Pan-American Union. In that case direct appropriations from the national treasuries of the countries represented

follow as a matter of course year by year. Certainly it is not to be presumed that a league of nations is to be financed by the voluntary offerings of citizens of the countries admitted; nor, once constituted and formally adhered to by any nation, should there be any necessity of a private organization to work in propaganda ways for maintenance of the League. Whatever discussion of the merit of adherence to or of the desirability of withdrawal may follow, surely it will go on in the national legislature or be reflected in executive utterances.

This comment is suggested by an appeal of the League of Nations' Union of Great Britain for a national fund of \$500,000 to support the League. It is signed by Premier Lloyd-George, Viscount Grey, former Premier Asquith, Lord Robert Cecil, and J. R. Clydes, the leader of the trades-unionists. Surely no such sum is needed for an educational campaign, now or in the future. If it is, then the British public can hardly be as unanimous for the League as it has been said to be.

LATIN-AMERICA AND ARBITRATION

ON PAGE — we print the text of a communication to the States of Central and of South America planned to be sent by Salvador.

Were its origin different, it would be subject to more detailed examination by the people of the United States and their government than it is now likely to receive. Brazil, the Argentine Republic, or Chile sending forth such a call would have a far more weighty effect. Yet the fact remains that it has yet to be proved that Salvador is not acting for the larger Latin-American powers, who have sent out this feeler to note its effect in Washington. It indicates a state of mind rebellious against the reiterated intention of the United States to continue to assert the Monroe Doctrine in its most paternal rather than fraternal form.

More specifically analyzed, the Salvadorian plan is interesting, because of the stress it puts upon juridical methods of settling all disputes between the Latin-American nations—a process that involves creation of a court competent to deal with any issues that may come before it. The Latin-American is not a lover of war. He has memories of his long struggle against Spain, which so decimated the Iberian stock in some of the countries that they never have functioned efficiently as they otherwise might. The Latin-American recalls the innumerable "revolutions" that have characterized the historical development of South American republicanism down to a comparatively recent time. He knows that these factional fights, involving loss of life, have been disastrous economically as well as politically. He wants an end put to civil war.

The next step is easy, and he takes it. He dislikes to think of the Americas passing through any such "reconstruction" experience as Europe has had since 1914. Therefore he now pleads for resort to reason, not to force, to trained investigators of facts and not to rhetorical partisans and beaters of the drums of war. Having created his judicial and arbitral tribunal, he wants it to hold its sessions on soil conquered and held by Latins. If there is to be a Pan-America capital, he wants it to be nearer the regions where Latins dominate.

This is a straw that it will be well to watch float down the stream of time. Races that have produced a Drago of the Argentine and a Barbosa of Brazil need not dread experimenting with their own system of league formation for juridical ends.

At a time when neither Europe nor the United States seem to have much vital faith in an international court competent to deal with international disputes, and thus to avoid wars, it is refreshing to see Latin-America considering what its policy is to be.

FRANCE

AFTER the experiences following August 1, 1914, it is natural to expect evidence of nervousness in France. We have no doubt that the speech by the former Premier, Jean Louis Barthou, March 26, delivered in the Chamber of Deputies during a discussion of French foreign policy, expressed views widely current not only in France, but in England also. It is probably true that French merchants are interested in the cotton of Adana and in the oil of Mosul, in consequence of which there is a real bone of contention between France and England, and that is Syria. It is a familiar fact that, while France breasted Germany during those distressful years, England was overthrowing the Turks in Asia Minor and laying the ground for claims to the vast reservoirs of wealth in that section of the world. This is a fact to be considered in any attempt to analyze the present strained relations between France and England. But let it not be overlooked that France has suffered; still suffers. It may be true, as the Deputy Minister of Public Works, M. Le Trocquer, says, that Great Britain has promised France, out of the English stock of coal available for disposal, 60 per cent, instead of the 20 previously promised, and that at a special price; but the fact remains that the treaty guaranteeing English and American protection for France along the east is a dead letter. While England has obtained security by the destruction of the German fleet, it is also a fact that, as M. Barthou said, "France stands alone." This ought not to be so. We are convinced that France is not a militaristic nation, and that she desires no conquests;

but we are also clearly convinced that France feels the justice of her demand that she should be reimbursed for the losses which have come to her as a result of the ruthless attack across her industrial areas. France is entitled to reparation. We all said this during the war. It was provided for in the treaty ending the war. We should not forget it now. Our view is that France should obtain these reparations in discussion with the Allies if possible, and that she will receive them that way; but, failing this now, we find it difficult to criticise her for moving her troops across the Rhine. It is wholly unjust that England should be credited with all the generosity toward Germany, and that France should be charged with all the sternness toward that arch aggressor. That is not fair to France. France has grievances well known and justified. The French are intelligent, free of sentimentalism, interested in realities, and swift to execute ideas. It is natural, after the experiences of this war, after the failure of Germany to fulfill her engagements, and in the light of the history of a thousand years, that France should desire to know where she stands and that there should be a Nationalist Party favoring military occupation of the Ruhr basin. In the absence of any agreed evidence of support from the outside, it is easy to understand why France should take upon herself the enforcement of the terms of the Treaty of Versailles. We confess to a feeling of pride and sympathy with the former Premier when he said: "Great Britain knows how to defend her interests. France is still strong enough to defend herself with her allies if they agree and without them if they withdraw." That utterance was dignified, justified, French. It is said that the Frenchman is conceited only as regards France. There is nothing, certainly, of the American brag and bunkum in him. The utterance of M. Barthou was not sharp or strident. It was out of the Frenchman in him. The one thing the French may be expected to do is to stand by *La Patrie*. The five years of war will reach their climax of infamy if, deprived of protection from further attacks on her east, France, *la duce France*, is left alone to obtain those reparations agreed to by all the belligerents in the Treaty of Versailles.

SYRIA'S CLAIM

ONE of the most dramatic, and for a time disturbing, incidents of the month has been the assertion by Prince Feisal of autonomy of an Arabian State in Syria, his elevation to the headship of the same, and his defiance of Great Britain and France in their determination to partition territory nominally Turkish but which the Arabs now claim must be ruled by Arabs.

Proceeding to Paris following his assertion of his